UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/766,473	KIM ET AL.
	Examiner	Art Unit	
	Benjamin A. Ailes	2142	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>8,9 and 12-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>8,9,12-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 8, 9, 12-32 remain pending.

2.   This action is in response to correspondence filed 14 September 2007.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 12, 14, 18, 20, 24-27, 29 are rejected under 35 U.S.C. 102(e) as being

anticipated by Frailong et al. (US 6,496,858 B1), hereinafter referred to as Frailong.

5.   Regarding claim 12, Frailong discloses a method of synchronizing configuration

parameters (col. 5, ll. 16-19) on a server with a database of stored configuration

parameters (col. 5, ll. 24-26) comprising:

automatically updating at least one application program configuration parameter

in response to updating at least one corresponding stored application configuration

parameter in said database by a particular customer of a web hosting provider (col. 17,

ll. 54-59),

wherein each application program configuration parameter defines at least in part

a set of resources on the server available to the particular customer of a web hosting

provider (col. 5, ll. 37-40).

6.   Regarding claim 14, Frailong discloses the method wherein the set of resources comprises a network address (col. 5, ll. 37-40).

7.   Regarding claim 18, Frailong discloses an information processing system comprising:

at least one network server running at least one application program, wherein application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation (col. 4, ll. 58-65, device contains APIs and communications with a remote server);

a database separate from said at least one network server and storing a copy of said set of configuration parameters (col. 5, ll. 30-36, remote management stores configuration parameters in a repository); and

means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said copy of said set of configuration parameters stored in said database, wherein the server is operated by a web-hosting provider and wherein each application program configuration program parameter defines at least in part a set of resources on the network server available to a particular customer of the web hosting provider (col. 17, ll. 54-59).

8.   Regarding claim 20, Frailong discloses the method wherein the set of resources comprises a network address (col. 5, ll. 37-40).

9.   Regarding claim 24, Frailong discloses a method of synchronizing configuration

parameters (col. 5, II. 16-19) on a server with a database of stored configuration

parameters (col. 5, II. 24-26) comprising:

automatically updating at least one application program configuration parameter

in response to updating at least one corresponding stored application configuration

parameter in said database by a particular user of a web hosting provider of a web

hosting provider (col. 17, II. 54-59),

wherein each application program configuration parameter defines at least in part

a set of resources on the server available to a particular customer of a web hosting

provider (col. 5, II. 37-40).

10.   Regarding claim 25, Frailong discloses the method wherein the server is

operated by a web-hosting providing (col. 5, II. 24-31) and each application program

configuration parameter defines at least in part a set of resources on the server

available to a particular customer of the web hosting provider (col. 5, II. 37-40).

11.   Regarding claim 26, Frailong discloses an information processing system

comprising:

at least one network server running at least one application program, wherein

application program operation is defined at least in part by a set of configuration

parameters stored on said at least one network server and associated with said

application program operation (col. 4, II. 58-65, device contains APIs and

communications with a remote server);

a database separate from said at least one network server and storing a copy of

said set of configuration parameters (col. 5, ll. 30-36, remote management stores

configuration parameters in a repository); and

means for automatically maintaining synchronization between said set of

configuration parameters stored on said at least one network server and said copy of

said set of configuration parameters stored in said database, wherein the server is

operated by a web-hosting provider and wherein each application program configuration

program parameter defines at least in part a set of resources on the network server

available to a particular customer of the web hosting provider (col. 17, ll. 54-59).

12.   Regarding claim 27, Frailong discloses the method wherein the server is

operated by a web-hosting providing (col. 5, ll. 24-31) and each application program

configuration parameter defines at least in part a set of resources on the server

available to a particular customer of the web hosting provider (col. 5, ll. 37-40).

13.   Regarding claim 29, Frailong discloses the method wherein the set of resources

comprises a network address (col. 5, ll. 37-40).

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

15.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16.   Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in view of Wilson (US 6,718,347).

17.   Regarding claim 8, Frailong teaches the updating of information in a database ((col. 17, ll. 54-59) but does not explicitly teach reversing a database update in the event of an indication of an error during the process of updating the server. However, in related art, Wilson teaches on this aspect wherein Wilson teaches the detection of errors when performing database operations and when an error has been detected commands can be re-executed. One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to incorporate the teachings of Wilson with the teachings of Frailong. One of ordinary skill in the art would have been motivated to make such a combination as suggested by Wilson wherein Wilson teaches the importance of coherence between databases on separate servers (col. 2, ll. 50-58) and the reduction of error occurrences (col. 19, ll. 11-14).

18.   Regarding claim 9, Frailong teaches the updating of information in a database (col. 17, ll. 54-59) but does not explicitly teach the method of additionally comprising suspending a database update for a predefined period. However, in related art, Wilson

teaches on this aspect wherein Wilson teaches the usage of a timer to delay open database commands. One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to incorporate the teachings of Wilson with the teachings of Frailong. One of ordinary skill in the art would have been motivated to make such a combination as suggested by Wilson wherein Wilson teaches the importance of coherence between databases on separate servers (col. 2, ll. 50-58) and the reduction of error occurrences (col. 19, ll. 11-14).

19.   Claims 13, 15-17, 19, 21-23, 28, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in view of Dan et al. (US 6,560,639 B1), hereinafter referred to as Dan.

20.   Regarding claim 13, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising disk space. However, in related art, the set of resources including disk space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including disk space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote disk space efficiently (Dan, col. 2, ll. 11-15).

21.   Regarding claim 15, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising memory space. However, in related art, the set of resources including

memory space is deemed an obvious variation in view of Dan wherein Dan teaches the

use of a database which is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including memory space in order to provide

users an interface with a web management server side application. One of ordinary skill

in the art would have been motivated to combine Dan with Frailong in order to enable a

user to interface to remote memory space efficiently (Dan, col. 2, ll. 11-15).

22.   Regarding claim 16, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising communication bandwidth. However, in related art, the set of resources

including communication bandwidth is deemed an obvious variation in view of Dan

wherein Dan teaches the use of a database that is made available as a network

resource to a client over a network (fig. 2, item 50). It would have been obvious to one

of ordinary skill in the art at the time of the applicants' invention to incorporate the

teachings of Dan with Frailong by providing a set of resources on the server including

communication bandwidth in order to provide users an efficient or fast interface with a

web management server side application. One of ordinary skill in the art would have

been motivated to combine Dan with Frailong in order to enable a user to interface to

remote locations through efficient communication bandwidth (Dan, col. 2, ll. 11-15).

23.   Regarding claim 17, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising processor capacity. However, in related art, the set of resources including

processor capacity is deemed an obvious variation in view of Dan wherein Dan teaches

the use of a database that is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including processor capacity in order to

provide users an interface with a web management server side application. One of

ordinary skill in the art would have been motivated to combine Dan with Frailong in

order to enable a user to interface to remote processor capacity efficiently (Dan, col. 2,

ll. 11-15).

24.   Regarding claim 19, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising disk space. However, in related art, the set of resources including disk

space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a

database which is made available as a network resource to a client over a network (fig.

2, item 50). It would have been obvious to one of ordinary skill in the art at the time of

the applicants' invention to incorporate the teachings of Dan with Frailong by providing a

set of resources on the server including disk space in order to provide users an

interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote disk space efficiently (Dan, col. 2, II. 11-15).

25. Regarding claim 21, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising memory space. However, in related art, the set of resources including memory space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including memory space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote memory space efficiently (Dan, col. 2, II. 11-15).

26. Regarding claim 22, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising communication bandwidth. However, in related art, the set of resources including communication bandwidth is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database that is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including

communication bandwidth in order to provide users an efficient or fast interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote locations through efficient communication bandwidth (Dan, col. 2, ll. 11-15).

27.   Regarding claim 23, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising processor capacity. However, in related art, the set of resources including processor capacity is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including processor capacity in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote processor capacity efficiently (Dan, col. 2, ll. 11-15).

28.   Regarding claim 28, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising disk space. However, in related art, the set of resources including disk space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of

the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including disk space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote disk space efficiently (Dan, col. 2, ll. 11-15).

29. Regarding claim 30, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising memory space. However, in related art, the set of resources including memory space is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database which is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to incorporate the teachings of Dan with Frailong by providing a set of resources on the server including memory space in order to provide users an interface with a web management server side application. One of ordinary skill in the art would have been motivated to combine Dan with Frailong in order to enable a user to interface to remote memory space efficiently (Dan, col. 2, ll. 11-15).

30. Regarding claim 31, Frailong teaches the configuration information being related to resources available to a client but does not explicitly teach the set of resources comprising communication bandwidth. However, in related art, the set of resources including communication bandwidth is deemed an obvious variation in view of Dan wherein Dan teaches the use of a database that is made available as a network resource to a client over a network (fig. 2, item 50). It would have been obvious to one

of ordinary skill in the art at the time of the applicants' invention to incorporate the

teachings of Dan with Frailong by providing a set of resources on the server including

communication bandwidth in order to provide users an efficient or fast interface with a

web management server side application. One of ordinary skill in the art would have

been motivated to combine Dan with Frailong in order to enable a user to interface to

remote locations through efficient communication bandwidth (Dan, col. 2, II. 11-15).

31.   Regarding claim 32, Frailong teaches the configuration information being related

to resources available to a client but does not explicitly teach the set of resources

comprising processor capacity. However, in related art, the set of resources including

processor capacity is deemed an obvious variation in view of Dan wherein Dan teaches

the use of a database which is made available as a network resource to a client over a

network (fig. 2, item 50). It would have been obvious to one of ordinary skill in the art at

the time of the applicants' invention to incorporate the teachings of Dan with Frailong by

providing a set of resources on the server including processor capacity in order to

provide users an interface with a web management server side application. One of

ordinary skill in the art would have been motivated to combine Dan with Frailong in

order to enable a user to interface to remote processor capacity efficiently (Dan, col. 2,

II. 11-15).

Response to Arguments

32.   Applicant's arguments filed 14 September 2007 have been fully considered but

they are not persuasive.

Claim 12

33.   Applicant argues with respect to amended independent claim 12 that claim 12

patently defines over Frailong for at least the reason that Frailong fails to disclose, teach

or suggest the features of (A) an "application program configuration parameter" and (B)

"a particular customer of a web hosting provider." The examiner respectfully disagrees.

34.   In response to (A), the examiner maintains that Frailong teaches the utilization of

application program configuration parameters. The applicant's specification defines an

application program configuration parameter as a parameter which defines a set of

resources on the server available to a particular customer of a web hosting provider.

The configuration parameters taught by Frailong are related to data and parameters

related to the configuration of a network interface device as taught in column 2, lines 47-

50. Frailong teaches further in column 5, lines 34-40 the utilization of configuration

parameters to adequately configure a server device with respect to a LAN, internet

address blocks, internet domain names and data related to the physical and logical

interfaces within the network and between other networks. Therefore it is maintained

that Frailong teaches within the scope of an application program configuration

parameter.

35.   In response to (B), the examiner maintains that Frailong teaches the usage of a

particular customer of a web hosting provider. Frailong's teaching in column 9 lines 3-

20 of a user being able to request a number of services including but not limited to

bringing a service up or down and reconfiguring a service teaches on the aspect of a

particular customer of a web hosting providing having the ability to alter configuration

parameters. Frailong further teaches in column 17, lines 54-59 the passage of

reconfiguration information in a reconfiguration notification message which automatically

updates parameter settings within a network. Therefore it is maintained that Frailong

teaches within the scope of a particular customer of a web hosting provider.

Claim 18

36.   Applicant argues with respect to independent claim 18 that Frailong fails to

disclose, teach or suggest "wherein application program operation is defined at least in

part by a set of configuration parameters stored on said at least one network server and

association with said application program operation." The examiner respectfully

disagrees. Frailong teaches on the usage of an application program operation as

defined by configuration parameters wherein Frailong teaches in column 4, lines 53-61

a gateway interface device that contains a configuration database. This configuration

database is used to store configuration parameters and operates to further guide which

application programs are to be utilized with respect to the application program interfaces

(API's). Therefore it is maintained that Frailong teaches wherein application program

operation is defined at least in part by a set of configuration parameters stored on said

at least one network server and association with said application program operation.

Claim 24

37.   Applicant argues with respect to independent claim 24 that claim 24 patently

defines over Frailong for at least the reason that Frailong fails to disclose, teach or

suggest the feature: "automatically updating at least one application program

configuration parameter in response to updating at least one corresponding stored

application configuration parameter in said database by a particular user of a web

hosting provider." The examiner respectfully disagrees. Frailong's teaching in column 9

lines 3-20 of a user being able to request a number of services including but not limited

to bringing a service up or down and reconfiguring a service teaches on the aspect of a

particular customer of a web hosting providing having the ability to alter configuration

parameters. Frailong further teaches in column 17, lines 54-59 the passage of

reconfiguration information in a reconfiguration notification message which automatically

updates parameter settings within a network. Therefore it is maintained that Frailong

teaches within the scope of automatically updating at least one application program

configuration parameter in response to updating at least one corresponding stored

application configuration parameter in said database by a particular user of a web

hosting provider.

Claim 26

38.   Applicant argues with respect to independent claim 26 that claim 26 patently

defines over Frailong for at least the reason that Frailong fails to disclose, teach or

suggest the feature: wherein application program operation is defined at least in part by

a set of configuration parameters stored on said at least one network server and

associated with said application program operation." The examiner respectfully

disagrees. Frailong teaches on the usage of an application program operation as

defined by configuration parameters wherein Frailong teaches in column 4, lines 53-61

a gateway interface device that contains a configuration database. This configuration

database is used to store configuration parameters and operates to further guide which

application programs are to be utilized with respect to the application program interfaces

(API's). Therefore it is maintained that Frailong teaches wherein application program

operation is defined at least in part by a set of configuration parameters stored on said

at least one network server and associated with said application program operation.

Conclusion

39.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER